

REMARKS

The present application was filed on August 24, 1999 with claims 1 through 26. Claims 1 through 26 are presently pending in the above-identified patent application.

In the Office Action, the Examiner rejected claims 1-10, 12-23, 25, and 26 under 35 U.S.C. §103(a) as being unpatentable over Ohyama et al. (United States Patent Number 6,243,575) in view of Salmine (United States Patent Number 6,463,286) and rejected claims 14-23, 25, and 26 under 35 U.S.C. §103(a) as being unpatentable over Ohyama et al. in view of Salmine, and further in view of Lee (United States Patent Number 6,246,883).

Independent Claims 1, 6, 10, 12, 14, 19, 23 and 25

Independent claims 1, 6, 10, 12, 14, 19, 23, and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ohyama et al. in view of Salmine and claims 14, 19, 23, and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ohyama et al. in view of Salmine, and further in view of Lee.

Regarding claim 1, the Examiner acknowledges that Ohyama fails to specifically disclose wherein said collected measurements include nominal resource availability information and measured resource availability information, but asserts that Salmine discloses that collected measurements include nominal resource availability information (which reads on “whether or not the visited network is capable of handling traffic for one or more mobile stations” as disclosed in column 4, lines 21-22) and measured resource availability (which reads on “whether or not it will and can grant an access to a particular number of mobile stations” as disclosed in column 4, lines 26-27). Regarding claim 6, the Examiner asserts that Ohyama discloses collecting measurements of interference and load in said wireless communications network, wherein said collected measurements include received power measurements from neighboring base stations (col. 12, lines 51-63). Regarding claims 10, 12, and 25, the Examiner asserts that Ohyama discloses collecting measurements of interference and load in said wireless communications network, wherein said collected measurements include predicted new load information (col. 12, lines 51-63). Regarding claims 14, 19, and 23, the Examiner asserts that Ohyama discloses processing

said collected information to identify a resource for said mobile station; and assigning said resource to said mobile station (col. 12, lines 5-8).

In the Response to Arguments section of the final Office Action, the Examiner asserts that “collecting measurements would have had to have been an inherent feature in order to make a determination (of) ‘whether or not the visited network is capable of handling traffic for one or more mobile stations’ it would have had to gather or collect the information in order to make the determination.” Regarding claim 6, the Examiner further asserts that “collected measurements include received power measurements from neighboring base stations which reads on ‘the mobile base station maintains transmission power in the mobile zones higher than the existing zones not affected by the existing radio zone.’” (Col. 8, lines 12-16.)

Regarding claim 1, Applicant notes that Salimen is directed to allowing “a selective national roaming for those subscribers (mobile stations) which the first home network PLMN (HPLMN) can not handle during a predetermined condition, e.g. an overload condition.” (Col. 8, lines 3-6.) Salimen teaches few details regarding the predetermined condition, including the detection of an overload condition. For example, Salimen teaches that

the overload can e.g be detected *simply when all communication resources in the first switching means are occupied by ongoing calls* of mobile stations MS registered in the first home network HPLM. If a call set-up request by a mobile station MS must be rejected as a consequence of no resources being available then this already indicates an overload condition at least in the switching means of the area where the requesting mobile station MS is currently located. Other possible overload conditions may be e.g. *the deterioration of transmission conditions or a complete collapse of the first mobile network due to serious operation or transmission errors.*
(Col. 8, lines 23-34; emphasis added.)

Independent claims 1 and 14 require collecting measurements of interference and load in said wireless communications network, wherein said collected measurements include *nominal resource availability information* and *measured resource availability information*. Applicant notes that “nominal” is defined as a term used to describe functional behavior as being within expected norms, or as designed (see, The IEEE Standard Dictionary of Electrical and Electronics

Terms, Sixth Edition.) Thus, *nominal* resource availability information is resource availability information that describes the *expected norms*; *for example*, the nominal resource availability information may relate to the available resources in *terms of the specified capacity*, as would be apparent to a person of ordinary skill in the art (see, page 6, lines 14-21, of the originally filed specification). Thus, although Salimen discloses determining “whether or not the visited network is capable of handling traffic for one or more mobile stations,” Salimen does *not* disclose or suggest *collecting measurements* that include *nominal resource availability information and measured resource availability information*, as would be apparent to a person of ordinary skill in the art.

Regarding the Examiner’s assertion that collecting measurements would have had to have been an inherent feature, Applicant notes that the ability to “handle traffic” is typically based on various parameters, such as the network’s maximum resource capabilities; collecting measurements that include “nominal resource availability” is *not* required to determine whether or not the visited network is capable of handling traffic for one or more mobile stations, as would be apparent to a person of ordinary skill in the art. Thus, Applicant maintains that Salimen does not disclose or suggest *collecting measurements* that include *nominal resource availability information*.

Regarding claims 6, 10, 12, and 25, Applicant notes that, in the text cited by the Examiner, Ohyama teaches that,

upon receiving the request, the existing base station B requests the network to issue an instruction to specify a new radio channel. Upon receiving the instruction from the network, the existing base station B transfers it to the mobile base station in step S292. The mobile base station synchronizes the new channel with the existing base station A and switches the present speech channel connected to the existing base station B to the new channel connected to the existing base station A in step S293. The existing base station B releases the present channel in step S297. Subscriber terminals under the control of the mobile base station never participate in these operations, and therefore, no channel switching occurs in the subscriber terminals.
(Col. 12, lines 51-63.)

Applicant notes that Ohyama does **not** disclose or suggest that collected measurements include *received power measurements from neighboring base stations*, does not disclose or suggest *predicted new load* information, and does not disclose or suggest that the resource allocation *minimizes a call drop rate*.

5 Regarding the Examiner's assertion that "collected measurements include received power measurements from neighboring base stations reads on 'the mobile base station maintains transmission power in the mobile zones higher than the existing zones not affected by the existing radio zone,'" Applicant notes that the Examiner is apparently reading the cited claims as requiring that the amount of power received from neighboring base station(s) is
10 measured and collected. First, the Ohyama citation does not explicitly disclose or suggest measuring power. Second, since the cited claims recite "received power measurements from neighboring base stations," it is the *measurement that is received from the neighboring base stations*; the terms "received" and "power" are adjectives for the term "measurement." For example, the present disclosure teaches that "*the mobile base stations 100 R₁, ..., R_N also send
15 their normalized received power levels $\bar{P}_{M_k \rightarrow R_i}$* ." (Page 12, lines 27-28; emphasis added.) Thus, contrary to the Examiner's assertion, collected measurements that include received power measurements from neighboring base stations does not read on "the mobile base station maintains transmission power in the mobile zones higher than the existing zones not affected by the existing radio zone."

20 Independent claims 6 and 19 require collecting measurements of interference and load in said wireless communications network, wherein said collected measurements include received power measurements from *neighboring base stations*. Independent claims 10 and 23 require collecting measurements of interference and load in said wireless communications network, wherein said collected measurements include *predicted new load information*.
25 Independent claims 12 and 25 require processing said collected information to identify a resource for said mobile station such that said resource allocation *minimizes a call drop rate*.

Applicants also note that Lee does **not** disclose or suggest that collected

measurements include load measurements, nominal resource availability information, measured resource availability information, or predicted new load information and does *not* disclose or suggest that collected measurements include received power measurements from neighboring base stations.

5 Thus, Ohyama et al., Salimen, and Lee, alone or in combination, do not disclose or suggest collecting measurements of interference and load in said wireless communications network, wherein said collected measurements include nominal resource availability information and measured resource availability information, as required by independent claims 1 and 14, do not disclose or suggest collecting measurements of interference and load in said wireless
10 communications network, wherein said collected measurements include received power measurements from neighboring base stations, as required by independent claims 6 and 19, do not disclose or suggest collecting measurements of interference and load in said wireless communications network, wherein said collected measurements include predicted new load information, as required by independent claims 10 and 23, and do not disclose or suggest
15 processing said collected information to identify a resource for said mobile station such that said resource allocation minimizes a call drop rate, as required by independent claims 12 and 25.

Dependent Claims 2-5, 7-9, 11, 13, 15-18, 20-22, 24 and 26

Dependent claims 2-5, 7-9, 13, 15-18, 20-22, and 26 were rejected under 35
U.S.C. §103(a) as being anticipated by Ohyama et al. in view of Salmine and claims 15-18, 20-
20 22, and 26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ohyama et al. in view of Salmine, and further in view of Lee.

Claims 2-5, 7-9, 11, 13, 15-18, 20-22, 24 and 26 are dependent on claims 1, 6, 10, 12, 14, 19, 23, and 25, respectively, and are therefore patentably distinguished over Ohyama et al., Salimen, and Lee (alone or in any combination) because of their dependency from
25 independent claims 1, 6, 10, 12, 14, 19, 23, and 25 for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

All of the pending claims, i.e., claims 1 through 26, are in condition for allowance


and such favorable action is earnestly solicited.

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

5 The Examiner's attention to this matter is appreciated.

Respectfully submitted,

10 Date: March 27, 2006


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